## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

In the Matter of	CV. NO. 03-00672 SOM-BMK
The Complaint of MORNING STAR ) CRUISES, INC., a Hawaii corporation.	
SHIROH FUKUOKA, Individually and) as Personal Representative of THE  ESTATE OF MITSUKO FUKUOKA, and as Next Friend of MIHO  FUKUOKA, a Minor,  Plaintiffs,	CV. NO. 04-00588 SOM-BMK  [CONSOLIDATED]  AFFIDAVIT OF GREGORY K. MARKHAM
vs.	
MORNING STAR CRUISES, INC., a ) Hawaii corporation; JOHN DOES 1- 10, JANE DOES 1-10, DOE ) CORPORATIONS 1-10, DOE ) PARTNERSHIPS 1-10, DOE JOINT ) VENTURERS 1-10, DOE LIMITED ) LIABILITY ENTITES 1-10, DOE ) NON-PROFIT ENTITES, 1-10, DOE ) GOVERNMENTAL ENTITIES 1-10, ) DOE UNINCORPORATED ) ENTITIES 1-10, and OTHER DOE ) ENTITES 1-10, )	
Defendants. )	
,	

## AFFIDAVIT OF GREGORY K. MARKHAM

STATE OF HAWAII	)
	) SS.
CITY AND COUNTY OF HONOLULU	)

GREGORY K. MARKHAM, being first duly sworn upon oath, deposes and says:

- I am an attorney licensed to practice law in all the Courts in the State of Hawaii.
- 2. I am a partner for the law firm of Chee & Markham and one of the attorneys for Limitation Plaintiff Morning Star Cruises, Inc. in the above-entitled matter.
- 3. I have personal knowledge of and am competent to testify concerning the matters set forth below.
- 4. On December 18, 2003, Limitation Plaintiff filed its First Amended Complaint for Exoneration from or Limitation of Liability.
- 5. On June 8, 2004 this court filed an order that a notice issue against all persons claiming damages for any loss, damage or injury incurred by

reason of the incident on August 14, 2002 or ascertaining claims in respect of which Morning Star Cruises, Inc. seeks exoneration from or limitation of liability file a claim on or before July 12, 2004.

- 6. That counsel for Limitation Defendants Shiroh Fukuoka, Individually and as Personal Representative of the Estate of Mitsuko Fukuoka, and as Next Friend of Miho Fukuoka, a Minor, approved the order and filed an answer to the Complaint.
- 7. Because all known defendants were served, Limitation Plaintiff neglected to prepare a notice to claimants.
- 8. Limitation Plaintiff seeks to publish a notice to claimants pursuant to, Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure.
- 9. An enlargement of time is needed to afford any claimants the requisite thirty (30) days to file claims. No additional claimants have identified themselves during the period this action has been pending and prejudice to the parties is anticipated by the request for enlargement of time.

10. Limitation Plaintiff will publish a notice to claimants immediately upon the granting of its motion. A copy of the Notice to Claimants is attached hereto as Exhibit "A."

FURTHER AFFIANT SAYETH NAUGHT.

GREGÓRY K. MARKHAM

Mark Name of N Subscribed and sworn before me this day of July, 2006.

Printed: RoseMarie Kida

My commission expires: 9/5/07